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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,785	12/17/2001	Terry Robison	10016716-1	7096

7590 06/14/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/022,785

Applicant(s)

ROBISON, TERRY

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-17-01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki et al. (hereinafter "Aoki", US Patent No. 6,757,255 B1).

As per claims 1, 9, and 17, Aoki discloses a computing apparatus, a machine readable medium or media having recorded thereon instructions configured to instruct a computing apparatus, and a method for storing a set of summarized metrics of a plurality of data elements comprising a processor operatively coupled to a memory, said memory having a data structure stored therein representing a set of summarized metrics of a plurality of data elements, said data structure comprising:

- (a) an indication of an average value of said plurality of data elements (column 7, lines 1-10, 26-32);
- (b) a count value indicating a number of data elements in said plurality of data elements (column 6, lines 45-60);
- (c) an indication of a minimum value and a maximum value of said plurality of data elements (column 7, lines 43-55, column 8, lines 45-60);

(d) an indication of a standard deviation of said plurality of data elements (column 10, lines 20-35).

As per claims 2, 10, and 18, Aoki discloses a computing apparatus, a machine readable medium or media, and a method for storing a set of summarized metrics of a plurality of data elements in accordance with Claims 1, 9, and 17, further configured to obtain performance measurements of a storage area network and to determine values for said plurality of data elements using the performance measurements (column 1, lines 12-28).

As per claims 3, 11, and 19, Aoki discloses a computing apparatus, a machine readable medium or media, and a method for storing a set of summarized metrics of a plurality of data elements in accordance with Claims 2, 10, and 18, wherein said indication of an average value of said plurality of data elements is an instance of an object comprising a stored alterable value of a primitive numeric type, said object thereby being a MutableNumber object (column 8, lines 45-57).

As per claims 4, 12, Aoki discloses a computing apparatus, a machine readable medium or media in accordance with Claims 3, 11, wherein said indication of said minimum value and said maximum value is an instance of an object comprising two instances of MutableNumber object (column 8, lines 45-57).

As per claims 5, 13, Aoki discloses a computing apparatus, a machine readable medium or media in accordance with Claims 4, 12, configured to perform computations using said instances of MutableNumber objects in accordance with the primitive numeric type stored therein, and to change values stored in said MutableNumber objects without changing said primitive numeric types (column 13, lines 15-35).

As per claims 6, 14, and 20, Aoki discloses a computing apparatus, a machine readable medium or media, and a method for storing a set of summarized metrics of a plurality of data elements in accordance with Claims 2, 10, 19, further configured to utilize said data structure to produce at least one of a performance summary of the storage area network or a prediction of the performance of the storage area network (column 2, lines 16-25).

As per claims 7, 15, Aoki discloses a computing apparatus, a machine readable medium or media in accordance with Claims 6, 10, wherein said performance measurements comprise available storage and corresponding elapsed times (column 3, lines 10-21).

As per claims 8, 16, Aoki discloses a computing apparatus, a machine readable medium or media in accordance with Claims 6, 14, wherein said memory further has stored therein an instance of an object comprising an ordered set of data elements and

Art Unit: 2157

values representing a Y-intercept and slope of a best fit linear relationship of said ordered set of data elements (column 4, lines 40-53).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Publication No. 2003/0053418 A1

US Patent No. 5,970,053

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SALEH NAJJAR  
PRIMARY EXAMINER